

1 LAUREN M. BLAS, SBN 296823
2 lblas@gibsondunn.com
3 GIBSON, DUNN & CRUTCHER LLP
333 South Grand Avenue
3 Los Angeles, CA 90071-3197
4 Telephone: 213.229.7000
Facsimile: 213.229.7520

5 GEOFFREY SIGLER (*pro hac vice*)
6 gSIGLER@gibsondunn.com
7 GIBSON, DUNN & CRUTCHER LLP
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036-5306
Telephone: 202.99.8500
Facsimile: 202.467.0539

9 Attorneys for Defendants UNITED
10 BEHAVIORAL HEALTH and UNITED
HEALTHCARE INSURANCE COMPANY

1 MATTHEW M. LAVIN (*pro hac vice*)
2 Matt.Lavin@agg.com
3 AARON R. MODIANO (*pro hac vice*)
4 Aaron.Modiano@agg.com
5 ARNALL GOLDEN GREGORY LLP
1775 Pennsylvania Ave NW, Suite 1000
Washington, DC 20006
Telephone: 202.677.4030

6 DAVID M. LILIENSTEIN, SBN 218923
david@dllawgroup.com
7 KATIE J. SPIELMAN, SBN 252209
katie@dllawgroup.com
8 DL LAW GROUP
345 Franklin Street
San Francisco, CA 94102
Telephone: 415. 678.5050
Facsimile: 415.358.8484

9 Attorneys for PLAINTIFFS

10 [ADDITIONAL COUNSEL LISTED ON
11 SIGNATURE PAGE]

12
13
14 UNITED STATES DISTRICT COURT
15
16 NORTHERN DISTRICT OF CALIFORNIA
17
18 OAKLAND DIVISION

19 LD, DB, BW, RH and CJ, on behalf of
20 themselves and all others similarly situated,

21 Plaintiffs,

22 v.

23 UNITED BEHAVIORAL HEALTH, a
24 California Corporation, and MULTIPLAN,
25 INC., a New York corporation,

26 Defendants.

27 CASE NO. 4:20-cv-02254-YGR

28 **SECOND JOINT STIPULATION AND
[PROPOSED] ORDER TO EXTEND
DEADLINES**

**** AS AMENDED BY THE COURT****

Hon. Yvonne Gonzalez Rogers

Complaint filed: April 2, 2020

Third Amended Complaint filed: Sept. 10, 2021

Under Civil Local Rule 6-2 and 7-12, all parties in this case hereby stipulate and agree to the following schedule modifications, subject to this Court's approval. The parties have met and conferred and agreed on the following modifications to the current schedule which is set forth in the Court's December 8, 2021 Order granting the parties' prior joint stipulation to extend deadlines (Dkt. 115). For the reasons set out below, the parties respectfully submit that good cause exists for the following modifications.

In further support of this Stipulation, the Parties state as follows:

WHEREAS the Court entered its Order on December 8, 2021 setting the following deadlines: deadline to complete initial, court-ordered, private mediation extended to December 8, 2021; non-expert discovery cutoff extended to April 18, 2022; Plaintiffs' Motion for Class Certification extended to May 19, 2022 or 45 days after ruling on the Standard of Review Motion, whichever is later; Defendants' Opposition to Class Certification extended to June 30, 2022 or 42 days (6 weeks) after motion; Plaintiffs' Reply in Support of Class Certification extended to August 11, 2022 or 42 days (6 weeks) after opposition; Hearing on Class Certification Motion extended to August 30, 2022 at 2:00 pm.

WHEREAS, the Court entered its Order on the standard of review motion on January 12, 2022.

WHEREAS, the parties have also served third-party subpoenas on 26 plan sponsors (served by Plaintiffs on January 21, 2022) and 25 providers (served by the United Defendants on March 9, 2022), and most of these third parties are still in the process of responding to these subpoenas.

WHEREAS, although the parties have made substantial progress on discovery, more remains to be done; for example, some aspects of the United Defendants' ESI productions remain under discussion and there is presently a pending dispute before Magistrate Judge Spero regarding discovery issues set to be heard on April 1, 2022. Defendants also need more time to complete their document productions.

WHEREAS, the parties have begun working out dates for depositions of fact witnesses. However, for efficiency, the parties agree that those productions must be substantially completed prior to commencing depositions of fact witnesses.

1 **WHEREAS**, the parties have continued to be in regular contact on all of these discovery
 2 matters, having calls on an almost bi-weekly basis among counsel to confer on discovery issues and
 3 other matters to try to address these issues proactively and efficiently whenever possible.

4 **WHEREAS**, notwithstanding the efforts described above, the parties require additional time to
 5 complete the discovery and brief issues relating to class certification.

6 **WHEREAS**, the Court has granted one previous extension to the deadlines that are the subject
 7 of this stipulation (Dkt. 115);

8 **WHEREAS**, nothing in this Joint Stipulation alters any other rights, and the parties expressly
 9 reserve the right to seek further relief from the Court as necessary.

10 **NOW, THEREFORE**, subject to the approval of the Court, and for good cause shown, the
 11 parties hereby stipulate and agree to extend the Case Schedule by approximately three months as
 12 follows:

<u>Event</u>	<u>Current Deadline</u>	<u>New Deadline</u>
Non-Expert Discovery Cutoff related to class certification	April 18, 2022	July 15, 2022
Plaintiffs' Motion for Class Certification	May 19, 2022 or 45 days after ruling on the Standard of Review Motion, whichever is later.	August 17, 2022
Defendants' Opposition to Class Certification	June 30, 2022 or 42 days (6 weeks) after motion.	September 28, 2022 or 42 days (6 weeks) after motion.
Plaintiffs' Reply in Support of Class Certification	August 11, 2022 or 42 days (6 weeks) after opposition	November 9, 2022 or 42 days (6 weeks) after opposition.
Hearing on Class Certification Motion	August 30, 2022 at 2:00 pm	November 29, 2022 at 2:00 p.m.

26 A proposed order is submitted concurrently.

27 **IT IS SO STIPULATED.**

1 DATED: April 1, 2022

2
3
4 GIBSON, DUNN & CRUTCHER LLP

5
6 By: /s/ Geoffrey Sigler

7
8 Geoffrey Sigler

9
10
11 Attorneys for Defendants UNITED BEHAVIORAL
12 HEALTH and UNITED HEALTHCARE INSURANCE
13 COMPANY

14 DATED: April 1, 2022

15 PHELPS DUNBAR LLP

16 By: /s/ Errol King

17 Errol King

18 Attorneys for Defendant MULTIPLAN, INC.

19 MOE KESHAVARZI, SBN 223759
20 E-Mail: mkeshavarzi@sheppardmullin.com
DAVID DWORSKY, SBN 272167
E-Mail: ddworsky@sheppardmullin.com
SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
333 South Hope Street, 43rd Floor
Los Angeles, California 90071
Telephone: 213.620.1780
Facsimile: 213.620.1398

21 ERROL J. KING, JR. (*admitted pro hac vice*)
22 PHELPS DUNBAR LLP
II City Plaza, 400 Convention Street, Suite 1100
Baton Rouge, Louisiana 70802
Telephone: (225) 376-0207
Facsimile: (225) 381-9197
Errol.King@phelps.com

23 Dated: April 1 , 2022

24 ARNALL GOLDEN GREGORY LLP

25 By: /s/ Matthew M. Lavin

26 Matthew M. Lavin

27 Dated: April 1, 2022

28 DL LAW GROUP

1 By: /s/ David Lilienstein
2 David Lilienstein
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Attorneys for PLAINTIFFS

[PROPOSED] ORDER

Having considered the parties' Joint Stipulation and [Proposed] Order to Extend Deadlines, the Court HEREBY ORDERS as follows:

<u>Event</u>	<u>New Date</u>
Non-Expert Discovery Cutoff	July 15, 2022
Plaintiffs' Motion for Class Certification	August 17, 2022
Defendants' Opposition to Class Certification	September 28, 2022 or 42 days (6 weeks) after motion.
Plaintiffs' Reply in Support of Class Certification	November 9, 2022 or 42 days (6 weeks) after opposition.
Hearing on Class Certification Motion	December 6, 2022 November 29, 2022 at 2:00 p.m.

No further extensions will be granted absent extraordinary and compelling reasons.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: April 21, 2022


The Hon. Yvonne Gonzalez Rogers
UNITED STATES DISTRICT JUDGE